

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re : Chapter 9
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CITY OF DETROIT, MICHIGAN, : Case No. 13- 53846
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Debtor. : Hon. Steven W. Rhodes
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**DEBTOR'S *EX PARTE* MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITED HEARING WITH
RESPECT TO MOTION OF DEBTOR FOR PROTECTIVE ORDER**

The City of Detroit hereby moves for the entry of an *ex parte* order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”) (a) shortening the notice period with respect to the Motion of Debtor For Protective Order (the “Motion”), and (b) maintaining the hearing on August 28, 2013, which has already been set by the Court, in order to consider the Motion. In support of this *Ex Parte* Motion, the City respectfully states as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order permitting the redaction of any and all personally identifiable information or other highly sensitive financial information of third parties contained in any and all documents and materials the City will provide to interested parties in the above-captioned matter.

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion and (b) maintain the hearing on August 28, 2013, which has already been set by the Court, in order to consider the Motion; and (c) granting such other and further relief to the City as the Court deems appropriate.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its

discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

5. In addition, pursuant to Bankruptcy Rule 9007, “[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.” Fed. R. Bankr. P. 9007.

6. Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

7. On August 21, 2013, the City announced during a status hearing in this matter that it would be filing the Motion. To the knowledge of the City’s counsel, counsel for all objectors were present during the hearing and thus are already on notice of (a) the fact that the Motion would be filed, and (b) the nature and extent of the relief that would be sought in the Motion. Further, the Court has already scheduled the Motion for discussion during the hearing on Wednesday, August 28, 2013, and so, all parties will have the opportunity to be heard on the Motion at that time.

8. As explained more fully in its Motion, the City believes that the protection of personally identifiable information of the City and third parties contained in any and all documents and materials in its data room and that the City will provide to interested parties in the above-captioned matter warrants redaction of such information before it is produced.

9. As the Court has already set a hearing on this matter for next week and the City wants to move expeditiously to provide documents and information to interested parties, this is a necessary first step so that individuals' personally identifiable information is not shared improperly.

10. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties in the above-captioned proceeding.

11. For these reasons, the City submits that cause exists to maintain the scheduled hearing on its Motion for August 28, 2013, on shortened notice, which the Court has already indicated will be the case.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: August 23, 2013

Respectfully submitted,

/s/ David G. Heiman

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ATTORNEYS FOR THE CITY OF DETROIT

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

Exhibit 1 Proposed Form of Order

Exhibit 2 None [Notice Not Required]

Exhibit 3 None [Brief Not Required]

Exhibit 4 Certificate of Service

EXHIBIT 1

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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In re : Chapter 9
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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
:
Debtor. : Hon. Steven W. Rhodes
:
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----- X

**ORDER GRANTING DEBTOR'S *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING**

This matter coming before the Court on Debtor's *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Motion of Debtor For Protective Order (the "Motion");¹ the Court having reviewed the Motion; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; having determined after due deliberation that the relief requested in the Motion is

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. As previously scheduled, a hearing with respect to the Motion of Debtor For Protective Order shall be held on August 28, 2013, at 10:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in Courtroom 716, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
4. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

EXHIBIT 2

None [Notice Not Required]

EXHIBIT 3

None [Brief Not Required]

EXHIBIT 4

Certificate of Service

Certificate of Service

I, David Heiman, hereby certify that the foregoing Debtor's *Ex Parte* Motion For an Order Shortening Notice And Scheduling an Expedited Hearing With Respect To Motion of Debtor For Protective Order was filed and served via the Court's electronic case filing and noticing system on this 23rd day of August, 2013.

/s/ David Heiman